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15 *Ultimate Fighting Championship and UFC*

16
17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle Kingsbury,
on behalf of themselves and all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

25 Defendant
26
27
28

No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF SUZANNE
JAFJE NERO IN SUPPORT OF
ZUFFA, LLC'S MOTION FOR
SUMMARY JUDGMENT**

1 I, Suzanne Jaffe Nero, declare as follows:

2 1. I am a member in good standing of the bar of the State of California. I am admitted
3 *pro hac vice* to practice before this Court. I am an associate in the law firm Boies Schiller Flexner
4 LLP (“BSF”), counsel for Zuffa, LLC (“Zuffa”) in the above captioned action in the U.S. District
5 Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No. 2:15-cv-01045-RFP-PAL.

6 2. I make this declaration in support of Zuffa’s Motion for Summary Judgment
7 (“Motion”).

8 3. Based on my review of the files, records, and communications in this case, I have
9 personal knowledge of the facts set forth in this Declaration and, if called to testify, could and would
10 testify competently to those facts under oath.

11 4. Certain documents attached as exhibits to this Declaration as exhibits have red boxes
12 added to them to indicate text cited in the Motion. Except for those red boxes, the attached
13 documents are, as indicated below, true and correct copies of the documents cited in the Motion.

14 5. Exhibit 1 to this Declaration is a true and correct copy of excerpts of the deposition of
15 Lorenzo Fertitta, taken on March 23, 2017.

16 6. Exhibit 2 to this Declaration is a true and correct copy of a document bearing the
17 Bates number ZFL-2603089, which was produced by Zuffa in this action.

18 7. Exhibit 3 to this Declaration is a true and correct copy of a document bearing the
19 Bates number ZFL-12449194 and dated from 2013, which was produced by Zuffa in this action.

20 8. Exhibit 4 to this Declaration is a true and correct copy of the Expert Report of
21 Professor Robert H. Topel dated October 27, 2017 and its errata.

22 9. Exhibit 5 to this Declaration is a true and correct copy of a document bearing the
23 Bates number ZFL-1807982 and dated September 2014, which was produced by Zuffa in this action.

24 10. Exhibit 6 to this Declaration is a true and correct copy of a document bearing the
25 Bates number ZFL-1454433 and dated January 2012, which was produced by Zuffa in this action.

26 11. Exhibit 7 to this Declaration is a true and correct copy of excerpts of the deposition of
27 Dana White, taken on August 9, 2017.

28 12. Exhibit 8 to this Declaration is a true and correct copy of excerpts of the deposition of

1 Ike Lawrence Epstein, taken on May 26 and July 21, 2017.

2 13. Exhibit 9 to this Declaration is a true and correct copy of excerpts of the 30(b)(6)
3 deposition of Ike Lawrence Epstein on Acquisitions, taken on December 2, 2016.

4 14. Exhibit 10 to this Declaration is a true and correct copy of a document bearing the
5 Bates number ZFL-1470668 and dated December 8, 2011, which was produced by Zuffa in this
6 action.

7 15. Exhibit 11 to this Declaration is a summary chart of Zuffa events, as described in
8 more detail below.

9 16. Exhibit 12 to this Declaration is a true and correct copy of excerpts of the second
10 deposition of Dr. Hal J. Singer, taken on January 23, 2018.

11 17. Exhibit 13 to this Declaration is a true and correct copy of a document bearing the
12 Bates number ZFL-1470592 and dated July 25, 2011, which was produced by Zuffa in this action.

13 18. Exhibit 14 to this Declaration is a true and correct copy of excerpts of the deposition
14 of Michael Mersch, taken on July 14, 2017.

15 19. Exhibit 15 to this Declaration is a true and correct copy of excerpts of the deposition
16 of Denitza Batchvarova, taken on January 25, 2017.

17 20. Exhibit 16 to this Declaration is a true and correct copy of excerpts of the first
18 deposition of Dr. Hal J. Singer, taken on September 27, 2017.

19 21. Exhibit 17 to this Declaration is a true and correct copy of excerpts of the deposition
20 of Jon Fitch, taken on February 15, 2017.

21 22. Exhibit 18 to this Declaration is a true and correct copy of excerpts of the deposition
22 of Cung Le, taken on April 11, 2017.

23 23. Exhibit 19 to this Declaration is a true and correct copy of a document bearing the
24 Bates number ZFL-1470642 and dated July 27, 2011, which was produced by Zuffa in this action.

25 24. Exhibit 20 to this Declaration is a true and correct copy of a document bearing the
26 Bates number ZFL-1470652 and dated July 28, 2011, which was produced by Zuffa in this action.

27 25. Exhibit 21 to this Declaration is a true and correct copy of a document bearing the
28 Bates number ZFL-1470625 and dated September 15, 2011, which was produced by Zuffa in this

1 action.

2 26. Exhibit 22 to this Declaration is a true and correct copy of excerpts of the deposition
3 of Brandon Vera, taken on February 16, 2017.

4 27. Exhibit 23 to this Declaration is a true and correct copy of a document bearing the
5 Bates number ZFL-1470663 and dated September 21, 2011, which was produced by Zuffa in this
6 action.

7 28. Exhibit 24 to this Declaration is a true and correct copy of a document bearing the
8 Bates number ZFL-1470661 and dated July 18, 2011, which was produced by Zuffa in this action.

9 29. Exhibit 25 to this Declaration is a true and correct copy of a document bearing the
10 Bates number ZFL-1470622 and dated October 7, 2011, which was produced by Zuffa in this action.

11 30. Exhibit 26 to this Declaration is a true and correct copy of a document bearing the
12 Bates number ZFL-1470594 and dated November 29, 2011, which was produced by Zuffa in this
13 action.

14 31. Exhibit 27 to this Declaration is a true and correct copy of a document bearing the
15 Bates number ZFL-1470629 and dated September 15, 2011, which was produced by Zuffa in this
16 action.

17 32. Exhibit 28 to this Declaration is a true and correct copy of a document bearing the
18 Bates number ZFL-1470607 and dated September 20, 2011, which was produced by Zuffa in this
19 action.

20 33. Exhibit 29 to this Declaration is a true and correct copy of a document bearing the
21 Bates number ZFL-1470646 and dated September 21, 2011, which was produced by Zuffa in this
22 action.

23 34. Exhibit 30 to this Declaration is a true and correct copy of a document bearing the
24 Bates number ZFL-1470612 and dated July 22, 2011, which was produced by Zuffa in this action.

25 35. Exhibit 31 to this Declaration is a true and correct copy of a document bearing the
26 Bates number ZFL-1470654 and dated September 21, 2011, which was produced by Zuffa in this
27 action.

28 36. Exhibit 32 to this Declaration is a true and correct copy of a document bearing the

1 Bates number ZFL-1470603 and dated July 11, 2011, which was produced by Zuffa in this action.

2 37. Exhibit 33 to this Declaration is a true and correct copy of a document bearing the
3 Bates number ZFL-1470620 and dated October 2, 2011, which was produced by Zuffa in this action.

4 38. Exhibit 34 to this Declaration is a true and correct copy of a document bearing the
5 Bates number ZFL-1470608 and dated July 16, 2011, which was produced by Zuffa in this action.

6 39. Exhibit 35 to this Declaration is a true and correct copy of a document bearing the
7 Bates number ZFL-1470648 and dated October 7, 2011, which was produced by Zuffa in this action.

8 40. Exhibit 36 to this Declaration is a true and correct copy of a document bearing the
9 Bates number ZFL-1470634 and dated October 9, 2011, which was produced by Zuffa in this action.

10 41. Exhibit 37 to this Declaration is a true and correct copy of a document bearing the
11 Bates number ZFL-1470644 and dated September 21, 2011, which was produced by Zuffa in this
12 action.

13 42. Exhibit 38 to this Declaration is a true and correct copy of a document bearing the
14 Bates number ZFL-1470627 and dated September 12, 2011, which was produced by Zuffa in this
15 action.

16 43. Exhibit 39 to this Declaration is a true and correct copy of a document bearing the
17 Bates number ZFL-1470606 and dated November 12, 2011, which was produced by Zuffa in this
18 action.

19 44. Exhibit 40 to this Declaration is a true and correct copy of a document bearing the
20 Bates number ZFL-1470597 and dated August 2, 2011, which was produced by Zuffa in this action.

21 45. Exhibit 41 to this Declaration is a true and correct copy of a document bearing the
22 Bates number ZFL-1470657 and dated August 8, 2011, which was produced by Zuffa in this action.

23 46. Exhibit 42 to this Declaration is a true and correct copy of a document bearing the
24 Bates number ZFL-1470624 and dated November 12, 2011, which was produced by Zuffa in this
25 action.

26 47. Exhibit 43 to this Declaration is a true and correct copy of a document bearing the
27 Bates number ZFL-1470639 and dated September 23, 2011, which was produced by Zuffa in this
28 action.

1 48. Exhibit 44 to this Declaration is a true and correct copy of a document bearing the
2 Bates number ZFL-1470650 and dated October 8, 2011, which was produced by Zuffa in this action.

3 49. Exhibit 45 to this Declaration is a true and correct copy of a document bearing the
4 Bates number ZFL-1470595 and dated from 2011, which was produced by Zuffa in this action.

5 50. Exhibit 46 to this Declaration is a true and correct copy of a document bearing the
6 Bates number ZFL-0994011 and dated March 26, 2014, which was produced by Zuffa in this action.

7 51. Exhibit 47 to this Declaration is a true and correct copy of a document bearing the
8 Bates number ZFL-0522826 and dated December 18, 2013, which was produced by Zuffa in this
9 action and was redacted to remove personally identifiable information.

10 52. Exhibit 48 to this Declaration is a true and correct copy of excerpts of the 30(b)(6)
11 deposition of Kirk Hendrick on Fighter Contracts, taken on November 29-30, 2016.

12 53. Exhibit 49 to this Declaration is a true and correct copy of the Rebuttal Expert Report
13 of Dr. Hal J. Singer dated January 12, 2018.

14 54. Exhibit 50 to this Declaration is a true and correct copy of the Sur-Rebuttal Expert
15 Report of Prof. Robert H. Topel dated February 12, 2018.

16 55. Exhibit 51 to this Declaration is a true and correct copy of excerpts of the deposition
17 of Sean Shelby, taken on April 12, 2017.

18 56. Exhibit 52 to this Declaration is a true and correct copy of excerpts of the deposition
19 of Joe Silva, taken on June 7, 2017.

20 57. Exhibit 53 to this Declaration is a true and correct copy of a document bearing the
21 Bates number ZFL-0105053 and dated October 8, 2001, which was produced by Zuffa in this action
22 and was redacted to remove personally identifiable information.

23 58. Exhibit 54 to this Declaration is a true and correct copy of a document bearing the
24 Bates number ZFL-0414108 and dated January 7, 2017, which was produced by Zuffa in this action
25 and was redacted to remove personally identifiable information.

26 59. Exhibit 55 to this Declaration is a true and correct copy of a document bearing the
27 Bates number ZFL-0504184 and dated May 27, 2014, which was produced by Zuffa in this action
28 and was redacted to remove personally identifiable information.

1 60. Exhibit 56 to this Declaration is a true and correct copy of excerpts of the deposition
2 of Scott Coker, taken on August 3, 2017.

3 61. Exhibit 57 to this Declaration is a true and correct copy of excerpts of the deposition
4 of Carlos Silva, taken on April 18, 2017.

5 62. Exhibit 58 to this Declaration is a true and correct copy of a document bearing the
6 Bates number ZFL-0551556, which was produced by Zuffa in this action.

7 63. Exhibit 59 to this Declaration is a true and correct copy of a document bearing the
8 Bates number LEPLAINTIFFS-0042859 and dated July 22, 2014, which was produced by Plaintiffs
9 in this action.

10 64. Exhibit 60 to this Declaration is a true and correct copy of a document bearing the
11 Bates number Z.E._002617 and dated February 7, 2014, which was produced by Zinkin
12 Entertainment in this action and was redacted to remove personally identifiable information.

13 65. Exhibit 61 to this Declaration is a true and correct copy of a document bearing the
14 Bates number SBPCL00002311, which was produced by Bellator in this action.

15 66. Exhibit 62 to this Declaration is a true and correct copy of a document bearing the
16 Bates number ZFL-12445923 and dated February 14, 2014, which was produced by Zuffa in this
17 action.

18 67. Exhibit 63 to this Declaration is a true and correct copy of a document bearing the
19 Bates number ZFL-2429202 and dated October 24, 2008, which was produced by Zuffa in this
20 action.

21 68. Exhibit 64 to this Declaration is a true and correct copy of a document bearing the
22 Bates number ZFL-0925692, which was produced by Zuffa in this action.

23 69. Exhibit 65 to this Declaration is a true and correct copy of excerpts of the deposition
24 of Nathan Quarry, taken on September 30, 2016.

25 70. Exhibit 66 to this Declaration is a true and correct copy of a document bearing the
26 Bates number Z.E._001891 and dated May 14, 2012, which was produced by Zinkin Entertainment
27 in this action with personal information redacted.

28 71. Exhibit 67 to this Declaration is a true and correct copy of the declaration of Scott

1 Coker filed in the case *In re Subpoena of Bellator Sport Worldwide, LLC*, Case No. 2:17-mc-00016
 2 (C.D. Cal.) at ECF 1-3 and executed February 18, 2017.

3 72. Exhibit 68 to this Declaration is a true and correct copy of Professor Robert H.
 4 Topel's 26(e) Supplemental Report dated July 30, 2018.

5 73. Exhibit 69 to this Declaration is a true and correct copy of a screenshot of a webpage
 6 titled "This is the Professional Fighters League" which was downloaded July 23, 2018 from
 7 <http://www.pflmma.com/2017/04/video-professional-fighters-league/>.

8 74. Exhibit 70 to this Declaration is a true and correct copy of the Expert Report of Dr.
 9 Hal J. Singer dated August 31, 2017 and its errata.

10 75. Exhibit 71 to this Declaration is a true and correct copy of a screenshot of a webpage
 11 titled "About One" which was downloaded July 23, 2018 from <https://onefc.com/about-one/>.

12 76. Exhibit 72 to this Declaration is a true and correct copy of a screenshot of a Facebook
 13 post from ACB dated July 11, 2018 and which was downloaded July 23, 2018 from
 14 [https://www.facebook.com/acberkut/photos/pcb.1806031192809818/1806030752809862/?type=3&t](https://www.facebook.com/acberkut/photos/pcb.1806031192809818/1806030752809862/?type=3&theater)
 15 heater.

16 77. Exhibit 73 to this Declaration is a true and correct copy of a screenshot of a webpage
 17 list of 2017 ACB events which was downloaded July 23, 2018 from
 18 <https://acbmma.com/en/tournaments>.

19 78. Exhibit 74 to this Declaration is a true and correct copy of fighter profiles of Thiago
 20 Silva, Pat Healy, Nam Phan, and Efrain Escudero which were downloaded July 23, 2018 from
 21 www.sherdog.com.

22 79. Exhibit 75 to this Declaration is a summary chart of annual events of select
 23 promoters, as described in more detail below.

24 80. Exhibit 76 to this Declaration is a true and correct copy of a document bearing the
 25 Bates number ZFL-1470655 and dated December 19, 2011, which was produced by Zuffa in this
 26 action.

27 81. Exhibit 77 to this Declaration is a true and correct copy of excerpts of the deposition
 28 of Shannon Knapp, taken on April 11, 2017.

1 82. Exhibit 78 to this Declaration is a true and correct copy of excerpts of the deposition
2 of Jeffrey Aronson, taken on April 25, 2017.

3 83. Exhibit 79 to this Declaration is a true and correct copy of the declaration of Hunter
4 Campbell dated July 30, 2018.

5 84. Exhibit 80 to this Declaration is a true and correct copy of the Expert Report of Roger
6 D. Blair dated November 15, 2017.

7 85. Exhibit 81 to this Declaration is a true and correct copy of a document bearing the
8 Bates number ZFL-0489704 and dated June 15, 2015, which was produced by Zuffa in this action.

9 86. Exhibit 82 to this Declaration is a true and correct copy of a document bearing the
10 Bates number ZFL-0500960 and dated August 11, 2015, which was produced by Zuffa in this action.

11 87. Exhibit 83 to this Declaration is a true and correct copy of a document bearing the
12 Bates number ZFL-1470749 and dated April 20, 2015, which was produced by Zuffa in this action.

13 88. Exhibit 84 to this Declaration is a true and correct copy of a document bearing the
14 Bates number ZFL-2252819 and dated March 10, 2010, which was produced by Zuffa in this action.

15 89. Exhibit 85 to this Declaration is a true and correct copy of excerpts of the deposition
16 of Kyle Kingsbury, taken on February 17, 2017.

17 90. Exhibit 86 to this Declaration is a summary chart showing athletes who competed for
18 UFC then Bellator, as described in more detail below.

19 91. Exhibit 87 to this Declaration is a summary chart showing athletes who competed for
20 Bellator then UFC, as described in more detail below.

21 92. Exhibit 88 to this Declaration is a true and correct copy of a document bearing the
22 Bates number ONECHAMPIONSHIP000006 and dated May 4, 2017, which was produced by Group
23 One Holdings in this action.

24 93. Exhibit 89 to this Declaration is a true and correct copy of excerpts of the deposition
25 of Javier Vazquez, taken on February 14, 2017.

26 94. Exhibit 90 to this Declaration is a true and correct copy of a document bearing the
27 Bates number Z.E._002623 and dated March 8, 2013, which was produced by Zinkin Entertainment
28 in this action and which redacts personally identifiable information.

1 95. Exhibit 91 to this Declaration is a true and correct copy of a document bearing the
2 Bates number ZFL-1470616 and dated December 7, 2011, which was produced by Zuffa in this
3 action.

4 96. Exhibit 92 to this Declaration is a true and correct copy of Tab 1 of Ex. 51 from the
5 30(b)(6) deposition on Venues taken on December 1, 2016.

6 97. Exhibit 93 to this Declaration is a true and correct copy of a screenshot of a webpage
7 listing recent Bellator events which was downloaded July 23, 2018 from
8 <http://www.bellator.com/events>.

9 98. Exhibit 94 to this Declaration is a true and correct copy of a screenshot of a webpage
10 listing recent PFL events which was downloaded July 23, 2018 from
11 <http://www.pflmma.com/schedule/>.

12 99. Exhibit 95 to this Declaration is a true and correct copy of the declaration of Abraham
13 Genauer dated October 26, 2017.

14 100. Exhibit 96 to this Declaration is a summary chart of promoter events featuring
15 FightMatrix-ranked athletes, as described in more detail below.

16 101. Exhibit 97 to this Declaration is a summary chart of ranked athlete switches between
17 foreign promoters and Dr. Singer's Ranked market, as described in more detail below.

18 102. Exhibit 98 to this Declaration is a summary chart of foreign promoters included in
19 Exhibit 97, as described in more detail below.

20 103. Exhibit 99 to this Declaration is a summary chart of Zuffa's share of Ranked athletes,
21 as described in more detail below.

22 104. Exhibit 100 to this Declaration is a true and correct copy of the DOJ and FTC's
23 Horizontal Merger Guidelines dated August 19, 2010.

24 105. Exhibit 101 to this Declaration is a true and correct copy of a document bearing the
25 Bates number ZFL-1472338, which was produced by Zuffa in this action.

26 106. Exhibit 102 to this Declaration is a true and correct copy of the fighter profile of
27 Antonio Rogerio Nogueira which was downloaded July 29, 2018 from www.sherdog.com.

28 107. Exhibit 103 to this Declaration is a true and correct copy of a document bearing the

1 Bates number excerpts of ZFL-2699696 and dated June 21, 2015, which was produced by Zuffa in
2 this action.

3 108. Exhibit 104 to this Declaration is a true and correct copy of a document bearing the
4 Bates number ZFL-0387086 and dated August 27, 2015, which was produced by Zuffa in this action.

5 109. Exhibit 105 to this Declaration is a true and correct copy of excerpts of Plaintiffs'
6 First Amended Answers to Defendant Zuffa, LLC's First Set of Interrogatories to Plaintiffs dated
7 November 14, 2016.

8 110. Exhibit 106 to this Declaration is a true and correct copy of a document bearing the
9 Bates number ZFL-0921215, which was produced by Zuffa in this action.

10 111. Exhibit 107 to this Declaration is a true and correct copy of excerpts of the 30(b)(6)
11 deposition of Peter Dropick on Venues, taken on December 1, 2016.

12 112. Exhibit 108 to this Declaration is a true and correct copy of a press release titled
13 "UFC Announces First NY Event at MSG" dated April 14, 2016 and downloaded July 23, 2018 from
14 [http://www.ufc.com/news/ufc-announces-event-at-madison-square-garden-in-new-york-november-](http://www.ufc.com/news/ufc-announces-event-at-madison-square-garden-in-new-york-november-12-2016)
15 [12-2016.](http://www.ufc.com/news/ufc-announces-event-at-madison-square-garden-in-new-york-november-12-2016)

16 113. Exhibit 109 to this Declaration is a true and correct copy of a webpage titled "WSOF
17 NYC Complete Results, Recaps and Highlights" dated December 31, 2016 and downloaded July 23,
18 2018 from <http://www.pflmma.com/2016/12/wsofnyc-live-results-recaps-highlights/>.

19 114. Exhibit 110 to this Declaration is a true and correct copy of a webpage titled "Sonnen
20 vs. Silva" dated June 24, 2017 and downloaded July 23, 2018 from
21 <http://www.bellator.com/events/cn25t3/bellator-nyc-sonnen-vs-silva>.

22 115. Exhibit 111 to this Declaration is a true and correct copy of excerpts from 30(b)(6)
23 deposition of Ike Lawrence Epstein on Sponsorships, taken on July 21, 2017.

24 116. Exhibit 112 to this Declaration is a true and correct copy of excerpts of the 30(b)(6)
25 deposition of Michael Mossholder on Sponsorships, taken on November 30 & December 1, 2016.

26 117. Exhibits 11, 75, 86-87, and 96-99 are exhibits that were created to provide accurate,
27 summarized information derived from large and lengthy databases and underlying sources of data
28 from Zuffa and other sources.

118. Exhibit 11 is a chart showing the annual number of events put on by Zuffa from 2002 to 2016. The input data for this table is “Sherdog Denom for Market Shares.dta,” which is a Stata dataset included in the Singer Backup. These data are at an athlete-bout level. To create Exhibit 11, the following fields from the data file were used: (1) promoter = the name of the promoter, (2) event_year = the year of the bout, (3) eventid = an identifier for each event, (4) zuf_flag = a flag for Zuffa-owned promotions that takes the value of 1 if the promoter is owned by Zuffa on the date of the event, and 0 otherwise. This data was filtered to include: (1) zuf_flag = 1, (2) event_year from 2002 to 2016. The unique eventid’s in each year of the Zuffa-owned promoters were then counted. Zuffa counts include all Zuffa events (UFC, and post-acquisition Strikeforce and WEC).

119. Exhibit 75 is a chart showing the annual number of events held by certain promoters from 2010 to 2016. The input data for this table is “Sherdog Denom for Market Shares.dta,” which is a Stata dataset included in the backup data to Dr. Singer’s first report (“Singer Backup”). The data contain all bouts put on by all promoters (subject to some “data cleaning”) by Dr. Singer. To create Exhibit 75, the following fields from the data file were used: (1) promoter = the name of the promoter, (2) event_year = the year of the bout, (3) eventid = an identifier for each event, (4) zuf_flag = a flag for Zuffa-owned promotions that takes the value of 1 if the promoter is owned by Zuffa on the date of the event, and 0 otherwise. This data was filtered to include: (1) promoter = “Bellator MMA,” “One Championship,” “Strikeforce,” “World Extreme Cagefighting,” “Absolute Championship Berkut” or zuf_flag=1; (2) event_year from 2010 to 2016. The unique eventid’s in each year for each of the promoters listed in the table were then counted. Event counts for Strikeforce only include pre-acquisition events. Zuffa counts include all Zuffa events (UFC, and post-acquisition Strikeforce and WEC).

120. Exhibits 86 and 87 are tables of athletes who competed for both UFC and Bellator between January 2011 and June 2017. Exhibit 86 lists athletes who competed for UFC and later competed for Bellator and Exhibit 87 lists athletes who competed for Bellator and later competed for UFC. For each “switch,” the table reports the athlete’s last UFC (or Bellator) bout before the switch and the athlete’s first Bellator (or UFC) bout after the switch. The input for this table is “Sherdog Denom for Market Shares.dta,” which is a Stata dataset included in the Singer Backup. These data

are at an athlete-bout level. To create these exhibits, the following fields from the data file were used: (1) fighterid = a unique identifier for each athlete, (2) SD_fighter = The athlete's name, (3) promoter = The promoter of the bout listed in Sherdog, (4) SD_event = Sherdog's description of the event (*e.g.*, "Bellator MMA - Bellator 103"), (5) event_date – date of the bout. For Exhibit 86 to identify the athletes who competed for UFC and later for Bellator, the data was filtered to include only those athletes who competed for both UFC and Bellator after 2011 and then to filter to only athletes who competed in Bellator bouts after competing in UFC bouts. Exhibit 87 was created using the same process but identifying athletes who competed for Bellator after 2011 and then competed for UFC.

121. Exhibit 96 is a chart showing MMA promoters who have put on events with Ranked athletes during the class period. The input for this table is "Sherdog Denom for Market Shares.dta," which is a Stata dataset included in the Singer Backup. These data are at an athlete-bout level. To create Exhibit 96, the following fields from the data file were used: (1) event_date= the date of the bout, (2) eventid = an identifier for each event, (3) promoter = the name of the promoter, (4) dFMp = a flag for promoters included in Singer's Tracked market that takes the value of 1 if the promoter is in the Tracked market and 0 otherwise, (4) NA_Flag_Promoter = a flag for promoters with any North American events that takes the value of 1 if the promoter has any N.A. events and takes the value of 0 otherwise, (5) dRNK = a flag for ranked bouts that takes the value 1 if the bout is ranked, and 0 otherwise. This data was filtered to include: (1) event_date from December 16, 2010 to April 30, 2017 (the Singer Backup does not have rankings data for later bouts), and (2) Bouts with promoters in Singer's Ranked market (dFMp=1, or NA_Flag_Promoter =1, or promoter = "One Championship") and (3) promoters with at least one ranked athlete competing during the class period. For each event, if the maximum value of dRNK across all athlete-bouts for each event ID has a maximum value of 1, this means there was at least one ranked athlete with a bout at this event. If the maximum is 0, this means there were no ranked athletes with bouts for this event. The total number of unique events for each promoter and the total number of unique events for each promoter with at least one ranked athlete over the December 16, 2010-April 30, 2017 period is then calculated and turned into a percentage.

122. Exhibits 97 and 98 are charts showing ranked athletes who switched between promoters in Dr. Singer's Ranked Market and foreign promoters not included in Dr. Singer's Ranked Market between January 2011 and April 2017, and the identity of those foreign promoters. The input data for these tables is "Sherdog Denom for Market Shares.dta," which is a Stata dataset included in the Singer Backup. To create Exhibits 97 and 98, the following fields from the data file were used: fighterid = a unique identifier for each athlete; SD_fighter = The athlete's name; promoter = The promoter of the bout listed in Sherdog; event_date = date of the bout; Max_rank = athlete's highest (i.e., best) ranking (across all weight divisions) at the time of the bout; NA_Flag_Promoter = This field identifies promoters who ever promoted an event in Mexico, Canada, or the United States. To determine which ranked athletes competed for a promoter in Dr. Singer's Ranked market and later for a foreign promoter, the data was filtered to include only those athletes who fought for a Ranked Market promoter and a foreign promoter after 2011. To identify foreign promoters, the "NA_Flag_Promoter" field is equal to zero. The data is then filtered to identify athletes who fought for the foreign promoter after fighting for a Ranked Market promoter using the event_date field. The data is then filtered to include athletes who were ranked at the time of their last Ranked Market promoter bout and at the time of a bout for a foreign promoter that occurred after the last Ranked Market promoter bout using the Max_rank field. The results list the number of ranked athletes who competed for a promoter in Dr. Singer's Ranked market and later a foreign promoter. Athletes who competed for a foreign promoter and later a promoter in Dr. Singer's Ranked market were identified using the same process. Ex. 97 lists the athletes who fit the above-described criteria, and Ex. 98 lists the foreign promoters for whom those athletes competed.

123. Exhibit 99 is a chart showing Zuffa's share of athletes in Dr. Singer's Ranked market definition. The input for this table is "Sherdog Denom for Market Shares.dta," which is a Stata dataset included in the Singer Backup. These data are at an athlete-bout level. To create Exhibit 99, the following fields from the data file were used: (1) event_year = the year of the bout, (2) fighterid = a unique identifier for each athlete, (3) max_rank = the fight matrix ranking assigned to the athlete bout in Singer's data, (4) zuff_flag = a flag for Zuffa-owned promotions that takes the value of 1 if the promoter is owned by Zuffa on the date of the event, and 0 otherwise, (5) dFMrA = a flag for

athlete-bouts that are included in Dr. Singer's Ranked market. This field takes the value of 1 for bouts with Tracked promoters, One Championship, or ranked bouts for promoters with North American events, and takes the value of 0 otherwise. This data was filtered to include: (1) event_year from 2011 to 2016, (2) dFMra=1 (only include bouts in the Ranked market), (3) max_rank is non-missing. To calculate Zuffa's share of ranked athletes in each year: (1) the numerator is a count of the number of unique athletes (identified by fighterid) with any ranked Zuffa bouts in the year. The denominator is a count of the number of unique athletes (identified by fighterid) with any ranked bouts in the year for any promoter in Singer's Ranked market. Because some athletes may have competed in both Zuffa and non-Zuffa bouts in the same year, these athletes count in the numerator in proportion to the share of their ranked bouts that were with Zuffa vs. other Ranked market promoters during the year. For example, an athlete with 3 ranked Zuffa bouts and 1 ranked Bellator bout in 2015 would count as 0.75 in the numerator for the 2015 share. The results are presented by year and also an Average Share from 2011 to 2016. The Average Share is a weighted average of Zuffa's share across all years from 2001-2016. Each year's share is weighted in proportion to the total count of unique athletes with ranked bouts in the year for any promoter in Singer's Ranked market. For example, if two times as many athletes were ranked and participated in bouts in 2016 than in 2015, then Zuffa's share in 2016 is given twice as much weight as their share in 2015.

124. Many former UFC athletes were highly ranked at the time they competed for their new promoter. Ryan Bader was the #3 ranked Light Heavyweight at the time of his first bout with Bellator on June 24, 2017. Kyoji Horiguchi was the #3 ranked Flyweight at his first bout with Rizin on April 16, 2017. Gegard Mousasi was the #4 ranked Middleweight at the time of his first bout with Bellator on October 20, 2017. Phil Davis was the #5 ranked Light Heavyweight at the time of his first bout with Bellator on September 19, 2015. Rory MacDonald was the #10 ranked Welterweight at the time of his first bout with Bellator on May 19, 2017. For all bouts up to April 1, 2017, the ranking information was pulled from Dr. Singer's FightMatrixCompleted back-up data. For bouts after that date, the rankings were pulled from FightMatrix.com.

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2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing facts are true and correct. Executed this 30th day of July, 2018 in Oakland, CA.

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5 /s/ Suzanne Jaffe Nero
6 Suzanne Jaffe Nero
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